

**STATE OF CALIFORNIA**  
**WATER RESOURCES CONTROL BOARD**  
**STATE BOARD OF DRINKING WATER**

**TO:** El Tejon Elementary School  
Water System No. 1502074

**Attn:** Rodney Wallace, Superintendent  
El Tejon Elementary School  
P. O. Box 876  
Lebec, CA 93243

**CERTIFIED MAIL**

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,  
TITLE 22, SECTIONS 64426.1(b)(2) AND 64469(d)**

**February 2016**

**C I T A T I O N NO. 03\_19\_16C\_031**

**Issued on May 13, 2016**

**STATEMENT OF FACTS**

El Tejon Elementary Water System (hereinafter Water System) is classified as a non-transient, non-community water system and serves a population of approximately 200 persons through one service connection. The Water System has one source of supply, Well 01 (PS Code: 1502074-001, and one (1) 1,750-gallon pressure tank. No treatment is provided to the well water. The Water System operates under the authority of a domestic water supply permit No. 03-19-13P-028, issued on Decemebr

4, 2013, by the State Water Resources Control Board (hereinafter “State Board”), Division of Drinking Water.

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, State Board 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter “California SDWA”), or any regulation, standard, permit or order issued or adopted thereunder.

The State Water Resources Control Board, acting by and through its Division of Drinking Water and the Deputy Director for the Division of Drinking Water (hereinafter “Deputy Director”), hereby issues a citation to El Tejon Elementary School (mailing address: P. O. Box 876, Lebec, CA 93243) for violation of California Code of Regulations (CCR), Title 22, Sections 64426.1(b)(2), and 64469(d).

- The Water System collects one (1) routine distribution system bacteriological sample per month.
- One (1) out routine bacteriological quality sample collected on February 10, 2016, from the distribution system, tested positive for total coliform bacteria.
- All four (4) repeat bacteriological samples collected on February 12, 2016, from the distribution system, tested positive for total coliform bacteria.
- In addition, one (1) repeat bacteriological sample collected on February 12, 2016, from Well 01 (also counted towards triggered source sample for compliance with the Ground Water Rule), tested positive for total coliform bacteria.

- **El Tejon Elementary School Water System failed the total coliform maximum contaminant level (MCL) for February 2016 [Section 64426.1(b)(2), *Authorities*].**
- On February 16, 2016, Tami Welker of sKOO'kum h2o monitoring, inc., the Water System's distribution operator, notified the State Board by email that the Water System failed the total coliform MCL for the month of February 2016, and described the corrective actions taken to clear bacteriological contamination.
- On February 13 and 14, 2016, the well, tank, and distribution system were disinfected and flushed.
- On February 16, 2016, five (5) special bacteriological quality samples were collected from the distribution system, and one (1) bacteriological quality sample was collected from Well 01. All six (6) samples tested negative for total coliform bacteria.
- None of the bacteriological quality samples collected in February 2016, from the distribution system or the system well, tested positive for *E.coli* bacteria.
- On March 11, 2016, public notice and *Certification of Completion of Notification* forms were emailed to the Water System, for the February 2016 total coliform MCL failure.
- To date, the State Board has not received signed and dated copies of the public notice and *Certification of Completion* of public notification from the Water System. [Section 64469(d), *Authorities*]. A blank copy of the public notice

and *Certification of Completion* of public notification are attached.  
**(Attachment B)**

- On March 11, 2016 an investigation report template was emailed to the Water System, for the February 2016 total coliform MCL failure.
- On April 5 2016, the State Board received a completed investigation report, in response to the February 2016 total coliform MCL failure. The investigation report was completed by Dan Sackett of skOO'kum h2o monitoring, inc., the Water System's certified distribution operator. According to the investigation report and email communication from Mr. Sackett, a possible cause of the positive total coliform samples may be heavy rains in the area. As discussed above, Well 01 tested positive for total coliform bacteria on February 12, 2016 and may be the cause of contamination in the distribution system.
- All five (5) routine bacteriological quality samples collected on March 9, 2016 tested negative for total coliform bacteria.
- One (1) routine bacteriological quality sample collected on April 13, 2016, tested negative for total coliform bacteria.
- Results of all (source and distribution) bacteriological samples collected from January 2015 to April 2016 are summarized in **Attachment A**.

### **AUTHORITIES**

**Section 116577 of the CHSC**, states in relevant part:

"(a) Each public water system shall reimburse the State Board for the actual costs incurred by the State Board for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- (2) Preparing, and issuing public notification

...

(b) The State Board shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs

were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the State Board. The costs set forth in the invoice shall not exceed the total actual costs to the State Board of the enforcement activities specified in this section.”...

**Section 116650 of the CHSC, states in relevant part:**

“(a) If the State Board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the State Board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subsection (e).

(e) The State Board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.”

**Section 116655 of the CHSC, states in relevant part:**

(a) Whenever the State Board determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

(1) Directing compliance forthwith.

(2) Directing compliance in accordance with a time schedule set by the State Board.

(3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

(1) That the existing plant, works, or system be repaired, altered, or added to.

(2) That purification or treatment works be installed.

(3) That the source of the water supply be changed.

(4) That no additional service connection be made to the system.

(5) That the water supply, the plant, or the system be monitored.

(6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the State Board.

**California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:**

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

“(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the State Board or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system with collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the State Board by the end of the business day on which this is determined, unless the determination occurs after the State Board office is closed, in which case the supplier shall notify the State Board within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1.”

64469(d) (d) Within 10 days of giving initial or repeat public notice pursuant to Article 18 of this Chapter, except for notice given under section 64463.7(d), each water system shall submit a certification to the State Board that it has done so, along with a representative copy of each type of public notice given.

CCR, Title 22, Section 64469 establishes the reporting requirements of public notification and states in relevant part:

“(d) Within 10 days of giving initial or repeat public notice pursuant to Article 18 of this Chapter, except for notice given under section 64463.7(d), each water system shall submit a certification to the State Board that it has done so, along with a representative copy of each type of public notice given.”

## **DETERMINATIONS**

Based upon the above *Statement of Facts and Authorities*, the State Board determines that the El Tejon Elementary School Water System has violated the following:

1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water System violated the total coliform MCL for February 2016, when more than one sample collected in February 2016, tested positive for total coliform bacteria.

2. CCR, Title 22, Section 64469(d); Specifically, the Water System failed to provide copies of the signed public notice and *Certification of Completion* of public notification to the State Board within 10 days of issuance.

The above violations are classified as non-continuing violations.

### **DIRECTIVES**

El Tejon Elementary School Water System is hereby directed to take the following actions:

1. Cease and desist from failing to comply with Section 116555(a) of the California Health and Safety Code (CHSC) and Sections 64426.1(b)(2) and 64469 (d) of Title 22, California Code of Regulations.
2. In the future, the Water System shall comply with Section 64426(d) of Title 22, CCR and submit a signed and dated copies of the public notice and *Certification of Completion* of public notification to the State Board, within 10 days of providing the public notification. **By May 20, 2016, submit signed and dated copies of the public notice and *Certification of Completion* of public notification to the State Board.**
3. The Water System shall reimburse the State Board, in accordance with an invoice that shall be provided to the Water System, the costs for enforcement activities, and such reimbursement shall be made prior to September 1 (or by a different date if specified by the State Board) of the fiscal year following the fiscal year in which such costs are incurred as described in CHSC Sections 116577(a)(1-2) and 116577(b).

### **FURTHER ENFORCEMENT ACTIONS**

Section 116270, Chapter 4, Part 12, State Board 104 of the CHSC authorizes the State Board to: issue additional citations with assessment of penalties if a public water system continues to fail or correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with orders of the State Board; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the State Board. The State Board does not waive any further enforcement action by issuance of this citation.

### **PARTIES BOUND**

This citation shall apply to and be binding upon El Tejon Elementary School, its officers, directors, agents, employees, contractors, successors, and assignees.

### **SEVERABILITY**

The directives of this citation are severable, and El Tejon Elementary School shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.



**CIVIL PENALTIES**

Section 116650, subsections (d) and (e) of the CHSC allow for the assessment of a civil penalty for failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any Directive of this Citation may result in the State Board imposing an administrative penalty not to exceed one thousand dollars (\$1,000) per day for each day that the violation continues beyond the date set for correction in this Citation.

---

Date

---

Jaswinder S. Dhaliwal, P.E.  
Senior Sanitary Engineer  
Drinking Water Field Operations Branch

Certified Mail No. 7015 1520 0000 4433 1815

**ATTACHMENTS**

Attachment A: Summary of Bacteriological Samples Collected from January 2015 – April 2016

Attachment B: Public Notice and Certification of Completion of public Notification forms

CC: Kern County Environmental Health Services Department (w/o attachments)  
Dan Sackett, sKOO'kum h2o monitoring, inc. (via email)

JSD/dc

# Attachment A

# ***El Tejon Elementary School***

**1502074**

*Distribution System Freq: 1/M*

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
1/14/2015	13:30	1ROU	A	A		Routine			
2/11/2015	11:17	2ROU	A	A		Routine			
3/11/2015	12:34	3ROU	A	A		Routine			
4/8/2015	12:56	4ROU	A	A		Routine			
5/13/2015	14:38	1ROU	A	A		Routine			
6/23/2015	12:35	2ROU	A	A		Routine			
7/21/2015	13:04	3ROU	A	A		Routine			
8/12/2015	14:52	4ROU	A	A		Routine			
9/9/2015	11:43	1ROU	A	A		Routine			
10/14/2015	14:54	2ROU	A	A		Routine			
11/12/2015	14:42	3ROU	A	A		Routine			
12/17/2015	15:50	4ROU	A	A		Routine			
1/13/2016	11:38	1ROU	A	A		Routine			
2/10/2016	10:59	2 ROU	P	A		Routine			
2/12/2016	11:15	1REP3	P	A		Repeat		MCL	Cit #03-19-16C-031 issued.
2/12/2016	11:25	1REP2	P	A		Repeat			
2/12/2016	11:30	2ROU	P	A		Routine			
2/12/2016	11:35	1REP1	P	A		Repeat			
2/16/2016	9:52	3ROU	A	A		Other			
2/16/2016	9:59	5ROU	A	A		Other			
2/16/2016	10:03	4ROU	A	A		Other			
2/16/2016	10:11	2ROU	A	A		Other			
2/16/2016	10:16	1ROU	A	A		Other			
3/9/2016	9:52	1ROU	A	A		Routine			
3/9/2016	10:01	2ROU	A	A		Routine			
3/9/2016	10:05	3ROU	A	A		Routine			
3/9/2016	10:08	4ROU	A	A		Routine			
3/9/2016	10:10	5ROU	A	A		Routine			
4/13/2016	11:58	4ROU	A	A		Routine			

---

## *El Tejon Elementary School*

---

**1502074**

*Source Monitoring Freq:*

---

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
2/12/2016	11:37	WELL 1	P	A			GWR & TCR Repeat
2/16/2016	10:22	WELL 1	A	A			

---

## Attachment B

## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.  
Tradúzcalo o hable con alguien que lo entienda bien.

### Tests Showed Coliform Bacteria in EL Tejon Elementary School Water System

Our water system recently violated a drinking water standard. Although this incident has been addressed, as our customers, you have the right to know what happened and what we did to correct this situation.

We routinely monitor for drinking water contaminants at El Tejon Elementary School Water System. On February 10, 2016, one (1) routine sample collected from the distribution system tested positive for total coliform bacteria. On February 12, 2016, four (4) repeat samples, collected from the distribution system, and one (1) repeat sample collected from Well 01, all tested positive for total coliform bacteria. Well 01 and distribution system were disinfected and flushed on February 14 and 15, 2016. Five (5) special samples were collected on February 16, 2016, from the distribution system, and one (1) special sample was collected from Well 01. All six (6) special samples tested negative for total coliform bacteria.

The standard is no more than one (1) sample per month may show the presence of coliform bacteria.

#### What should I do?

**You do not need to boil water or take other corrective actions at this time.** However, if you have specific health concerns, consult your doctor. People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1 (800) 426-4791.

#### What does this mean?

This is not an emergency. If it had been, you would have been notified immediately. Coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially harmful bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.* Usually, coliforms are a sign that there could be a problem with the system's treatment or distribution system (pipes). Whenever coliform bacteria are detected in any sample, follow-up testing is done to see if other bacteria of greater concern, such as fecal coliform or *E.coli*, are present. **None of the positive coliform samples showed the presence of the bacterium *E.coli*.**

#### What happened? What was done?

A possible cause of contamination is thought to be heavy rains in the area. We provided emergency disinfection and flushing to help clear the contamination, and collected follow-up bacteriological samples afterwards and they all tested negative for total coliform bacteria. We are scheduled to collect five routine bacteriological quality samples in March 2016. For more information, please contact Rodney Wallace, Superintendent at 661-248-6247, or the State Water Resources Control Board, Division of Drinking Water at 661-335-7315.

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly.*

This notice is being sent to you by the Boulder Canyon Water System in compliance with the California Domestic Water Quality and Monitoring Regulations as a means of keeping the public informed.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Rodney Wallace, Superintendent, El Tejon Elementary School  
Water System No. 1502074

**Certification of Completion of Public Notification**  
**(Include a Copy of Public Notice with the Certification of Public Notification)**

This form, when completed and returned to the Division of Drinking Water – Tehachapi District (4925 Commerce Drive, Suite 120, Bakersfield, CA 93309 or fax to 661-335-7316), serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

**Public Water System Name:** El Tejon Elementary School Water System

**Public Water System No.:** 1502074

Public notification for failure to comply with the Total Coliform MCL for February 2016 was

performed by the following method(s) (check and complete those that apply):

- ☐ The notice was mailed to users on: \_\_\_\_\_  
A copy of the notice is attached.
- ☐ The notice was hand delivered to water customers on: \_\_\_\_\_  
A copy of the notice is attached.
- ☐ The notice was published in the local newspaper on: \_\_\_\_\_  
A copy of the newspaper notice is attached.
- ☐ The notice was posted at conspicuous places on: \_\_\_\_\_  
A copy of the notice is attached.  
A list of locations the notice was posted is attached.
- ☐ The notice was delivered to community organizations on: \_\_\_\_\_  
A copy of the notice is attached.  
A list of community organizations the notice was delivered to is attached.

I hereby certify that the above information is factual.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Disclosure:** Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation each day that the violation continues. In addition, the violators may be prosecuted in criminal court and, upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

**Due to the Division of Drinking Water within 10 days of issuance of notice to customers and no later than March 26, 2016**

Enforcement Action No. PENDING